

REMARKS

Claims 1-40 are currently pending with claims 1-40 subject to a restriction requirement and an election requirement. Applicants hereby elect to prosecute Invention I, drawn to an apparatus, with traverse, and hereby elect to prosecute the specie of Group I, identified by the Examiner as shown in Figs. 1-4 and including claims 1-3, 6-20, 23-30, and 40, also with traverse.

As to the restriction requirement between an apparatus and a method of manufacture thereof, Applicants respectfully submit that while the Examiner has provided the correct standard for requiring restriction between inventions so related, the Examiner has failed to establish that the apparatus and method of Applicants' claimed invention meet the standard. The Examiner asserts, at page 4 of the Office Action, that the method of claims 31-39 may "be used to make a materially different process [sic, interpreted as product] such as a holding tank or swimming pool." Applicants respectfully submit that the claimed method of "implementing a ground level jumping surface" cannot be used to make a swimming pool or a holding tank, at least not without a jumping surface. Thus, the method of claims 31-39 cannot be used to make a materially different product than the in-ground trampoline of claims 1-16 or the ground level jumping surface apparatus of claims 17-30 and 40.

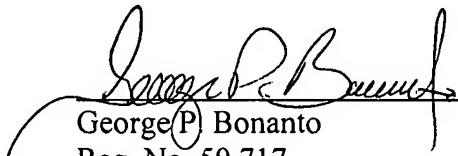
As to the election requirement between the species listed on page 2 of the Office Action, Applicants respectfully submit that the election requirement is improper because examination of all disclosed species would not constitute an undue burden on the Examiner. Specifically, the differences between the enumerated species are minor, and a proper search for any of the species should uncover relevant prior art to all such species. Furthermore, Applicants respectfully submit that all such species are patentably indistinct. Thus, requirement of election of one specie for prosecution is improper. Finally, Applicant submits that claims 1 and 40 are generic.

CONCLUSION

Applicants elect, with traverse, Invention I of claims 1-30 and 40, and elect, with traverse, the specie of Group I, Figs. 1-4, reading on claims 1-3, 6-20, 23-30, and 40. Reconsideration of the restriction requirement and the election requirement is requested in view of the foregoing remarks. If the Examiner has any questions regarding this document, Applicants ask that the Examiner contact Applicants' undersigned attorney.

Applicant has submitted the requisite fees as appropriate; however, if the Commissioner of Patents determines that additional fees are due, the Commissioner is authorized to charge **only** the deficient fees or credit any overpayments to USPTO Deposit Account No. 50-4428.

Respectfully submitted,



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